

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREW VOLPE,

Plaintiff,

DECISION and ORDER

- against -

07-cv-3995-ENV-LB

C.O PAUL ENGELHARDT;
C.O DENNIS DOHERTY;
C.O. FRANK CISLER;
C.O. RICARDO FLORES; and
C.O. THOMAS MONTREUIL,

Defendants.

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VITALIANO, D.J.

On October 28, 2009, Magistrate Judge Lois Bloom issued her Report and Recommendation (“R&R”) that plaintiff’s complaint be dismissed without prejudice pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A)(v) for failure to comply with her May 21, 2009 Order directing plaintiff to provide the Court with a current address, given that all prior communications from the Court to plaintiff at his address of record have been returned by the Post Office as undeliverable. Neither plaintiff nor defendants has objected to the R&R within the time prescribed by 28 U.S.C. § 636(b)(1).

In reviewing a magistrate judge’s report and recommendation, this Court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to

which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); see also Greene v. Trustees of Columbia University, 234 F. Supp. 2d 368, 370-71 (S.D.N.Y. 2002); Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

Plaintiff has not contacted the Court in any way, to provide a current address or to prosecute his claims, since he filed his complaint on August 20, 2007, and has apparently abandoned the action. Under these circumstances, the Court finds Judge Bloom’s Report and Recommendation as to the dismissal of the complaint to be correct, well-reasoned, and free of any clear error. The Court therefore, adopts her Report and Recommendation in its entirety as the opinion of the Court.

As a result, the complaint is dismissed without prejudice for failure to comply with Judge Bloom’s Order directing plaintiff to provide a current address. The Clerk of the Court is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
January 6, 2010

s/ENV

ERIC N. VITALIANO
United States District Judge